



Entered on Docket  
January 29, 2007

A handwritten signature in black ink, appearing to read "R. B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

Annette W. Jarvis, Utah Bar No. 1649  
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Attorneys for Debtors and Debtors-in-Possession

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,  
Debtor.

Case No. BK-S-06-10725 LBR  
Case No. BK-S-06-10726 LBR  
Case No. BK-S-06-10727 LBR  
Case No. BK-S-06-10728 LBR  
Case No. BK-S-06-10729 LBR

In re:

USA CAPITAL REALTY ADVISORS, LLC,  
Debtor.

Chapter 11

In re:

USA CAPITAL DIVERSIFIED TRUST DEED FUND,  
LLC,  
Debtor.

**Jointly Administered Under  
Case No. BK-S-06-10725 LBR**

In re:

USA CAPITAL FIRST TRUST DEED FUND, LLC,  
Debtor.

**THIRD AMENDED ORDER  
ESTABLISHING CASE MANAGEMENT  
PROCEDURES  
(AFFECTS ALL DEBTORS)**

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Date: December 15, 2006  
Time: 9:30 a.m.

1           The Court having heard various motions on December 15, 2006, the Debtors, USA  
 2 Commercial Mortgage Company (“USA Commercial Mortgage”), USA Securities, LLC (“USA  
 3 Securities”), USA Capital Realty Advisors, LLC (“USA Realty”), USA Capital Diversified Trust  
 4 Deed Fund (“USA Diversified”), and USA Capital First Trust Deed Fund (“USA First”)  
 5 (collectively referred to as “Debtors”), appearing by and through their counsel, Ray Quinney &  
 6 Nebeker P.C. and Schwartzer & McPherson Law Firm; other appearances being made upon the  
 7 record; the Court having considered the status and size of the Debtors’ cases and determining that  
 8 it is beneficial to enter an amended case management procedures, it is hereby

9           **ORDERED** that these cases are subject to the following Case Management Procedures:

10          A.     **Hearings**

11          1.     **Omnibus Hearing Dates** - Unless the Court otherwise schedules or orders, *sua*  
 12 *sponte*, or upon the proper filings by a party, all motions, pleadings, applications, other requests  
 13 for relief, objections, responses, and replies thereto, and all other matters, will be automatically set  
 14 to be heard at periodic bi-monthly or monthly omnibus hearings scheduled in advance by the  
 15 Court (the “Omnibus Hearing Dates”). The Court has currently set the following additional  
 16 Omnibus Hearing Dates:

17                         February 15, 2007 at 9:30 a.m.

18                         March 1, 2007 at 9:30 a.m.

19                         March 15, 2007 at 9:30 a.m.

20                         March 27, 2007 at 9:30 a.m.

21 Except as otherwise scheduled or ordered by the Court, all motions, pleadings, applications, other  
 22 requests for relief, objections, responses, and replies thereto, and all other matters (“Request(s) for  
 23 Relief”) shall not be considered by the Court unless filed and served at least twenty five (25) days  
 24 prior to the next scheduled Omnibus Hearing Date. The deadlines for filing oppositions and  
 25 replies are set forth below.

26          2.     **Setting A Hearing Not On The Omnibus Hearing Date** - The Court may issue  
 27 an order shortening time which allows such Request For Relief to be heard on a date that is not an  
 28 Omnibus Hearing Date if proper support is provided to demonstrate its urgency and that such

1       urgency is not a result of delay on the part of the party requesting the relief. However, unless such  
 2       circumstances constitute an extreme emergency, it is unlikely that such Request for Relief will be  
 3       set on less than ten (10) days' notice.

4           3.       **BMC Website** – Hearing dates and times are subject to change. Unless otherwise  
 5       ordered, all hearings shall be held at the United States Bankruptcy Court, 300 Las Vegas Blvd. S.,  
 6       Third Floor, Courtroom #1. The Debtors shall post information relating to hearings on the  
 7       Debtors' Private Website at <http://www.usacapitalcorp.com> and on BMC Group, the Debtors'  
 8       Noticing Agent's Website at <http://www.bmcgroup.com/usacmc>. The Court may permit parties to  
 9       attend hearings on a "listen only" basis through the use of a dial in number, which will also be  
 10      posted by the Debtors on the websites listed above. However, technical or other problems may  
 11      impair or prevent the utilization of the dial in service. Entities may contact BMC Group at (888)  
 12      909-0100 for information concerning future Omnibus Hearings that have been scheduled by the  
 13      Court.

14           4.       **Objection(s) Deadline to Request(s) for Relief –**

15           (a)       Unless otherwise ordered by the Court, the deadline to file and serve  
 16      Objections to Requests for Relief (the "Objection Deadline") set to be heard on regular notice on  
 17      an Omnibus Hearing Date shall be *the earlier of*: (i) fifteen (15) days after the Request for Relief  
 18      is served, or (ii) five (5) business days before the applicable hearing date. An Objection Deadline  
 19      concerning a Request for Relief set to be heard on an Omnibus Hearing Date may be extended  
 20      with the consent of the entity filing the Request for Relief to a date that is no later than five (5)  
 21      business days before the applicable hearing date.

22           (b)       Unless otherwise ordered by the Court, the deadline to file and serve  
 23      objections to Requests for Relief set on shortened time shall be no later than three (3) business  
 24      days before the hearing date.

25           (c)       Any brief filed in reply to an objection to Request for Relief shall be filed  
 26      *the earlier of* (i) five (5) business days after the filing of an objection to a Request for Relief or  
 27      (ii) by noon the business day before the applicable hearing date.

28      ///

1           **5. Pleadings-**

2           Courtesy copies of all motions, oppositions, replies, and memoranda of law that are set for  
 3 hearing, together with all exhibits and attachments, must be delivered to the Bankruptcy Court  
 4 Clerk's office after filing. Copies shall be delivered either by hand or by mail. Delivery shall be  
 5 made no later than ten business days prior to the scheduled hearing date. A courtesy copy of any  
 6 pleading filed within ten (10) days of a hearing must be received by the Bankruptcy Court Clerk's  
 7 office by *the earlier of:* (i) noon the following business day or (ii) noon the business day prior to  
 8 the hearing.

9           **B. Effective Date of Case Management Procedures**

10          The effective date of this Second Amended Case Management Procedures contained herein  
 11 shall be the date the Order is entered on the Court's docket.

12          **C. Automatic Sanctions**

13          1. Any attorney who fails to comply with the time requirements for filing objections  
 14 or oppositions to motions and applications contained in the Case Management Order shall pay the  
 15 movant or applicant \$300; and

16          2. Any attorney who fails to deliver to the Clerk of this Court a courtesy (paper) copy  
 17 of his pleadings which are e-filed with the Court by the end of the next judicial business day (but  
 18 not later than noon the judicial business day before any hearing) shall pay the Court \$75.

19          **D. Compliance with Rule 2019**

20          Bankruptcy Rule 2019 applies to attorneys representing investors in loans serviced by  
 21 USA Commercial Mortgage Company, and attorneys representing multiple parties shall file the  
 22 verified statement required by that rule.

23          **SCHWARTZER & MCPHERSON LAW FIRM and**  
 24 **RAY QUINNEY & NEBEKER, P.C.**

25          By: 

26          LENARD E. SCHWARTZER, ESQ.

27          *Counsel for USA Commercial Mortgage Company,*

28          *USA Capital First Trust Deed Fund, LLC*

29          *USA Capital Diversified Trust Deed Fund, LLC*

30          *USA Capital Realty Advisors, LLC and*

31          *USA Securities, LLC*

1   **THIRD AMENDED ORDER ESTABLISHING CASE MANAGEMENT PROCEDURES**  
2   **(AFFECTS ALL DEBTORS)**

3   Approved/Disapproved by:  
4   **LEWIS AND ROCA, LLP**

5                                    
6   By: \_\_\_\_\_  
7   **ROB CHARLES, ESQ.**  
8   *Counsel for the Official Committee of  
9   Unsecured Creditors of USA Commercial  
Mortgage Company*

Approved/Disapproved by:  
**GORDON & SILVER, LTD.**

By: \_\_\_\_\_  
**GREGORY E. GARMAN, ESQ.**  
*Counsel for the Official Committee of Holders  
of Executory Contract Rights of USA  
Commercial Mortgage Company*

10   Approved/Disapproved by:  
11   **BECKLEY SINGLETON, CHTD. and**  
12   **ORRICK, HERRINGTON & SUTCLIFFE**  
13   **LLP**

14   By: \_\_\_\_\_  
15   **ANNE M. LORADITCH, ESQ.**  
16   *Counsel for the Official Committee of Equity  
Security Holders of USA Capital Diversified  
Trust Deed Fund, LLC*

Approved/Disapproved by:  
**STUTMAN TREISTER & GLATT, P.C. and**  
**SHEA & CARLYON, LTD.**

By: \_\_\_\_\_  
**CANDACE C. CARLYON, ESQ.**  
*Counsel for the Official Committee of Equity  
Security Holders of USA Capital First Trust  
Deed Fund LLC*

17   Approved/Disapproved by:  
18   **SARA L. KISTER,**  
19   **ACTING UNITED STATES TRUSTEE**  
20   **REGION 17**

21   By: \_\_\_\_\_  
22   **AUGUST B. LANDIS, ESQ.**  
23   Assistant United States Trustee  
24   300 Las Vegas Boulevard South, Suite 4300  
25   Las Vegas, NV 89101

26                                  # # #  
27  
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8     *Counsel for the Official Committee of  
9     Unsecured Creditors of USA Commercial  
10   Mortgage Company*

By:   
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*Counsel for the Official Committee of Holders  
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13   **LLP**

Approved/Disapproved by:  
**STUTMAN TREISTER & GLATT, P.C. and**  
**SHEA & CARLYON, LTD.**

14   By: \_\_\_\_\_  
15   **ANNE M. LORADITCH, ESQ.**  
16   *Counsel for the Official Committee of Equity  
Security Holders of USA Capital Diversified  
Trust Deed Fund, LLC*

By: \_\_\_\_\_  
**CANDACE C. CARLYON, ESQ.**  
*Counsel for the Official Committee of Equity  
Security Holders of USA Capital First Trust  
Deed Fund LLC*

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19    **ACTING UNITED STATES TRUSTEE**  
20    **REGION 17**

21    By: \_\_\_\_\_ *AUST*  
22    **AUGUST B. LANDIS, ESQ.**  
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30    *Counsel for the Official Committee of Holders  
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Commercial Mortgage Company*

31    Approved/Disapproved by:  
32    **STUTMAN TREISTER & GLATT, P.C. and**  
33    **SHEA & CARLYON, LTD.**

34    By: \_\_\_\_\_  
35    **CANDACE C. CARLYON, ESQ.**  
36    *Counsel for the Official Committee of Equity  
Security Holders of USA Capital First Trust  
Deed Fund LLC*

37                          ###

1 In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

2  The court has waived the requirement of approval under LR 9021.

3  No parties appeared or filed written objections, and there is no trustee appointed in the case.

4  I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any  
5 unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each  
6 has approved or disapproved the order, or failed to respond, as indicated below [list each party and  
whether the party has approved, disapproved, or failed to respond to the document]:

7 Failed to respond:

8 BECKLEY SINGLETON, CHTD. and ORRICK, HERRINGTON & SUTCLIFFE LLP  
STUTMAN TREISTER & GLATT, P.C. and SHEA & CARLYON, LTD.

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